

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, January 24, 2023 AT BERKLEY CITY HALL BY CHAIR LISA KEMPNER.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city's government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen, on-demand, on the city's YouTube channel: <https://www.youtube.com/user/cityofberkley>

PRESENT: Michael Woods Greg Patterson
Shiloh Dahlin Joe Bartus
Lisa Kempner Matteo Passalacqua

ABSENT: Lisa Hamameh

ALSO, PRESENT: Kristen Kapelanski, Community Development Director
Megan Masson-Minock, Carlisle Wortman & Associates

Motion by Commissioner Woods to excuse the absence of Commissioners Hamameh. Motion supported by Commissioner Patterson.

Voice Vote to approve the absences of Commissioner Hamameh.

AYES: 6
NAYS: 0
ABSENT: Hamameh

MOTION CARRIED

APPROVAL OF AGENDA

Motion by Commissioner Patterson to approve the agenda and supported by Commissioner Dahlin.

Voice vote to approve the agenda

AYES: 6
NAYS: 0
ABSENT: Hamameh

MOTION CARRIED

APPROVAL OF THE MINUTES

Motion by Commissioner Woods to approve the minutes of regular Planning Commission meeting on December 20, 2023 and supported by Commissioner Patterson.

Voice vote to approve the meeting minutes of December 20, 2023.

AYES: 6
NAYS: 0
ABSENT: Hamameh

MOTION CARRIED

COMMUNICATIONS

NONE

CITIZEN COMMENTS

NONE

OLD BUSINESS

1. **PUBLIC HEARING:** An ordinance of the City Council of the City of Berkley, Michigan to amend Section 138-32, Section 138-387, Section 138-394, Section 138-419, Section 138-427, Section 138-457, Section 138-487 and Section 138-529 of Chapter 138 – Zoning in order to regulate vape shops.

Community Development Director Kapelanski noted no changes have been made to the ordinance since the Planning Commission last discussed the amendment. The Commission was asked to hold the public hearing and make a recommendation to the City Council.

Chair Kempner opened the public hearing at 7:02 PM and closed the public hearing at 7:03 PM, there being no members of the public present and no comments received.

Motion by Commissioner Patterson to recommend approval to the City Council of an ordinance to amend Section 138-32, Section 138-387, Section 138-394, Section 138-419, Section 138-427, Section 138-457, Section 138-487 and Section 138-529 of Chapter 138 – Zoning in order to regulate vape shops.

Motion supported by Commissioner Woods.

Roll call vote to recommend approval of the proposed amendment.

AYES: 6

NAYS: 0

ABSENT: Hamameh

MOTION CARRIED

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2. **PUBLIC HEARING:** An ordinance of the City Council of the City of Berkley, Michigan to amend Section 138-458 of Chapter 138 – Zoning in order to add nursery schools, day nurseries and child care centers to the Twelve Mile District as a special use.

Community Director Kapelanski noted the Planning Commission considered this as a discussion item at their previous meeting and agreed it should proceed to a public hearing as a special land use with the provisions suggested by staff. The ordinance is now presented as for a public hearing and recommendation to City Council.

Chair Kempner opened the public hearing at 7:08 PM and closed the public hearing at 7:08 PM, there being no members of the public present and no comments received.

Commissioner Passalacqua stated he did not think day cares were a good fit for the downtown considering walkability and the vibrancy wanted for downtown areas. He confirmed the Planning Commission would retain the ability to determine whether day cares were a good fit for each site proposed under the special land use provisions.

Motion by Commissioner Patterson to recommend approval to the City Council of an ordinance of the City Council of the City of Berkley, Michigan to amend Section 138-458 of Chapter 138 – Zoning in order to add nursery schools, day nurseries and child care centers to the Twelve Mile District as a special use.

Motion supported by Commissioner Bartus.

Roll call vote to recommend approval of the proposed amendment.

AYES: 6

NAYS: 0

ABSENT: Hamameh

MOTION CARRIED

3. Outdoor Seating: Discussion of ordinance language to regulate outdoor seating.

Planning Consultant Masson-Minock described updates to the Commission’s continued outdoor seating discussion. Staff from Carlisle Wortman measured the sidewalks of each block in the DDA District and along Eleven Mile Road to determine if sidewalks were wide enough to accommodate outdoor seating, which generally needs five feet of seating space place passing space. Passing space can be reduced to three feet in limited areas and still meet the standards of the Americans with Disabilities Act. The Commission was asked if they would like to identify a specific minimum area width of a sidewalk for outdoor seating, if there should be exceptions for outdoor furniture and if corner parcels should be treated differently.

The Planning Commission discussed the questions posed and concluded the ordinance should proceed with the following changes/additions:

- No minimum sidewalk width should be required.
- A five-foot passing lane should be required.
- A three-foot passing lane exception should be permitted to account for obstructions at the discretion of staff as long as the layout meets Americans with Disabilities Act regulations.
- No exceptions or additional regulations should be required for corner parcels.

NEW BUSINESS

1. Planning Commission Bylaws and Rules of Procedure

Chair Kempner asked that the text be changed to allow for more or less than three minutes of public comment time per person at the discretion of the chair.

The Planning Commission asked City Council to consider removing the need to excuse absences for absent Commissioners. Community Director Kapelanski stated she would pass on that request.

Motion by Commissioner Woods to approve the updated Planning Commission Bylaws and Rules of Procedure with the inclusion of Chair Kempner’s suggestion.
Motion supported by Commissioner Passalacqua.

Voice vote to approve the Planning Commission Bylaws and Rules of Procedure.

AYES: 6
NAYS: 0
ABSENT: Hamameh

MOTION CARRIED

LIAISON REPORT

Commissioner Passalacqua noted the DDA is starting to work on their budget, had continued conversations regarding proposed improvements at Robina and had a planned evaluation from Main Street Oakland County.

Chair Kempner introduced the newest Council member, Commissioner Patterson. Council also approved adding a Headlee Rollback to the May election cycle.

COMMISSIONER COMMENTS

Commissioner Patterson thanked the Planning Commission and said he looked forward to taking all he has learned to his role on City Council.

STAFF COMMENTS

The Chamber of Commerce is looking for a Planning Commission liaison. The Parking Study open house will be held on January 31 at the high school from 5:30-7:30. In place of the February Planning Commission regular meeting, staff will be holding a joint work session of Planning Commission and City Council to discuss parklets.

ADJOURNMENT

Motion to adjourn by Commissioner Patterson supported by Commissioner Dahlin.

Voice vote for adjournment

AYES: 6

NAYS: 0

ABSENT: Hamameh

With no further business, the meeting was adjourned at 8:06 at p.m.